



PATENT
ATTORNEY DOCKET NO. 01997/198006

Certificate of Mailing: Date of Deposit: October 6, 2003

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Alma Woodberry

Printed name of person mailing correspondence


Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	H. Robert Horvitz et al.	Art Unit:	1632
Serial No.:	08/984,178	Examiner:	Ram Shukla
Filed:	December 3, 1997		
Title:	CLONING SEQUENCING AND CHARACTERIZATION OF TWO CELL DEATH GENES AND USES THEREFOR		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF GUY E. BEARDSLEY

I, Guy E. Beardsley, declare as follows:

1. I am a Practice Systems Specialist in the law firm of Clark & Elbing LLP. One of my responsibilities in this position is to ensure that all replies to U.S. Patent and Trademark communications are timely filed.

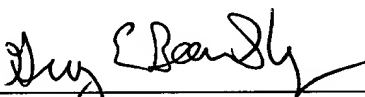
2. All mail sent from the Patent and Trademark Office to any attorney or patent agent at Clark & Elbing LLP is opened, date stamped, and docketed centrally before it is sent to the attorney or patent agent. On July 1, 2003, I printed out a docket record that included all the replies having a final deadline of July 2, 2003. I have reviewed Clark & Elbing LLP's computerized docketing records and find that no reply to a Notice of

Allowance was docketed for July 2, 2003.

3. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: October 6, 2003



Guy E. Beardsley

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045



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Alma Woodberry

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF KRISTINA BIEKER-BRADY, PH.D.

I, Kristina Bieker-Brady, declare as follows:

1. I am a partner in the law firm of Clark & Elbing LLP and an attorney of record in the above-captioned case.

2. I first became aware of the abandonment of the above-captioned application on August 11, 2003, upon receipt of a Notice of Abandonment for failure to pay the issue fee. I submit that the accompanying petition to withdraw the Notice is being promptly submitted as required by 37 C.F.R. § 1.8(b)(1).

3. All mail sent from the Patent and Trademark Office to any attorney or patent agent at Clark & Elbing LLP is opened, date stamped, and docketed centrally before it is

sent to the attorney or patent agent. A review of Clark & Elbing's computerized docketing records and the file jacket indicates that the Notice of Allowance was never received. A redacted copy of the docket record showing all replies docketed for July 2, 2003, where the nonreceived Office communication would have been entered had it been received and docketed, is submitted herewith as documentary proof of nonreceipt of the Notice of Allowance.

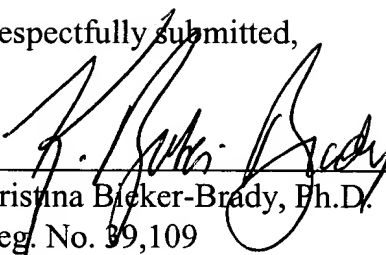
4. On August 21, 2003, in a telephone conference with Examiner Shukla, applicants requested copies of the Notice of Allowance and Notice of Allowability, which were received on August 25, 2003. A review of these documents showed that they were mailed to the incorrect mailing address. Applicants note that the Office was promptly notified of a change in correspondence address in a Preliminary Amendment filed on August 23, 2002. In the Preliminary Amendment, applicants called attention to the fact that a change of address was being made and requested that all future correspondence be mailed to a new correspondence address. A copy of the Preliminary Amendment is submitted herewith.

5. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application

or any patents issued thereon.

Date: October 6, 2003

Respectfully submitted,



Kristina Bleker-Brady, Ph.D.
Reg. No. 39,109

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

Docket Record for July 2, 2003

Page: 1

Due Date List by Client

Tuesday, September 23, 2003

#Name? #Name?

Client: 00246

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
00246	US 2 POSTCARD	02-Jun-2003	PTC	02-Jul-2003	02-Oct-2003	
		RULE 53 D CPA CONTINUATION	MJB	Reminder		
			KBB			

Title:

Matter Name:

Comments:

Met on: _____
Extend to _____
By: _____

Client: 00398

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other	Due Date/ Date Type	Final Deadline	Action Taken
		Action Base Date/	Bill Atty	Super Atty			
00398	CA 2 REPLY	02-Apr-2003	KLE	KLE	JXT 02-Jul-2003		
		ASSOCIATE'S LETTER (SUBSTANTIV					Met on: _____
							Extend to _____
							By: _____

Title:

Matter Name:

Comments:

Due Date List by Client

#Name? #Name?

Client: 00742

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Base Date/ Bill Atty	Super Atty	Date Type	Deadline	
00742	IN 1 ANNUITY PAYMENT	27-Mar-2003	KBB	MHE 02-Jul-2003		
		CPI TAX MAINTENANCE REVIEW	KBB	Final		

Title:

Matter Name:

Comments:

Met on:

Extend to

By:

Due Date List by Client

#Name? #Name?

Client: 00786 Massachusetts General Hospital

Matter Number	Reason for Date	Action Type	Action Base Date/	Bill Atty	Super Atty	Other Atty(s)	Due Date/	Date Type	Final	Action Taken
00786-0001	CA 1 INSTRUCTIONS TO CPI	06-Jan-2003	KLE	KLE	KLE	KLE	02-Jul-2003	Due Date		Met on: _____ Extend to _____ By: _____
ANNUITY										

Title:

Matter Name:

Comments:

00786-0002	US 2 REPLY IM EXT	02-May-2003	KLE	KLE	KLE	KLE	02-Jul-2003	Extended Due Date		Met on: _____ Extend to _____ By: _____
RESTRICTION REQUIREMENT										

Title: METHOD FOR CLONING SIGNAL TRANSDUCTION INTERMEDIATES

Matter Name:

Comments:

00786-0003	US 1 11M FAX	02-Aug-2002	KLE	KLE	KLE	VLH	02-Jul-2003	Due Date		Met on: _____ Extend to _____ By: _____
PROVISIONAL APPLICATION										

Title:

Matter Name:

Comments:

#Name? #Name?

Client: 01997 Massachusetts Institute of Tec

Matter Number	Reason for Date	Action Type		Other	Due Date/	Final	Action Taken
		Action Base Date/	Bill Atty		Atty(s) Date Type	Deadline	
01997- [REDACTED]	US 2 Foreign Filing Reminder	02-Jan-2003	KBB	KBB	MHE 02-Jul-2003		
		Foreign Filing			MHE Reminder		

Met on:	_____
Extend to	_____
By:	_____

Title:

Matter Name:

Comments:

Due Date List by Client

Client: 08338 Exogen

#Name? #Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
			Atty(s)	Date Type	Deadline	
08338	US 7 NOTICE REGARDING CHANGE OF POA	02-Jul-2003 NOTICE REGARDING CHANGE OF POA	KBB KBB MJB MJB	02-Jul-2003 Due Date		Met on: _____ Extend to: _____ By: _____

Title:

Matter Name:

Comments:

Client: 08582 NeuroVir

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other	Due Date/ Atty(s)	Date Type	Final Deadline	Action Taken
		Action Base Date/	Bill Atty	Super Atty				
08582	WO 1 FILING RECEIPT	02-Apr-2003	PTC	SMM	SMM	02-Jul-2003	09-Apr-2004	
		PCT CHAPTER II DEMAND			SMM	Due Date		

Met on: _____

Extend to _____

By: _____

Title: _____

Matter Name: _____

Comments: _____

Client: 50026 Shimizu Patent Office

#Name? #Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Action Base Date/	Atty(s)	Date Type	Deadline	
50026	US 1 File Petition to Correct	02-May-2003	PTC	JDD	02-Jul-2003	Met on: _____
	ASSOCIATE'S LETTER (SUBSTANTIV				Reminder	Extend to _____
						By: _____

Title:

Matter Name:

Comments:

Client: 50045 Variagenics and Pharmacia

#Name?

#Name?

Matter Number	Reason for Date	Action Type		Other	Due Date/ Date Type	Final Deadline	Action Taken
		Action	Base Date/				
50045	EP 1	Reply re Validation States 2M	02-Jan-2003	KLE	02-Jul-2003	Final	
		EP-Mention Grant		KLE			

Met on:	_____
Extend to	_____
By:	_____

Title:

Matter Name:

Comments:

Due Date List by Client

Client: 50079 InfilMed, Inc.

#Name? #Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Base Date/	Atty(s)	Date Type	Deadline	
50079	CN 2 ASSIGNMENT	02-Apr-2003	JJE	02-Jul-2003		
		ASSOCIATE'S LETTER (FORMALITIE	JJE	Reminder		

Met on: _____

Extend to _____

By: _____

Title: _____

Matter Name: _____

Comments: _____

Client: 50082 Viron

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other Atty(s)	Due Date/Date Type	Final Deadline	Action Taken
		Action	Base Date/				
50082-EP 2	REPLY	05-Jun-2003	KBB	KBB	MHE 02-Jul-2003		
		ASSOCIATE'S LETTER (SUBSTANTIV					

Met on:

Extend to

By:

Title:

Matter Name:

Comments:

Client: 50098 Phoenix International

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other Atty(s)	Due Date/ Date Type	Final Deadline	Action Taken
		Action	Base Date/				
50098	US 1 REPLY 4M EXT	02-Jan-2003	PTC	PTC	02-Jul-2003	Final	
		NOTICE TO FILE MISSING PARTS					

Met on:	_____
Extend to	_____
By:	_____

Title:

[REDACTED]

Matter Name:

Comments:

[REDACTED]

Client: 50111 Caprion Pharmaceuticals

#Name? #Name?

Matter Number	Reason for Date	Action Type	Action Base Date/	Bill Atty	Super Atty	Other Atty(s)	Due Date/	Date Type	Final	Deadline	Action Taken
50111	US 1 POSTCARD	02-Jul-2003	KLE	JDD	KH	02-Jul-2003	Due Date				
		Pet to correct notice of recor									

Title:

Matter Name:

Comments:

Met on:	_____
Extend to	_____
By:	_____

Due Date List by Client

Client: 50146 Becker & Associates

#Name? #Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
			Atty(s)	Date Type	Deadline	
50146- [REDACTED]	US 1 UTILITY APPLICATION	02-Jul-2002	RTA	02-Jul-2003		
		PROVISIONAL APPLICATION	RTA	Final		

Title: [REDACTED]

Matter Name: [REDACTED]

Comments: [REDACTED]

Met on:	_____
Extend to	_____
By:	_____

Due Date List by Client

Client: 50150 ActivBiotics

#Name? #Name?

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
			Atty(s)	Date Type	Deadline	
50150- [REDACTED]	US 3 REPLY	02-Jun-2003	KLE KLE	02-Jul-2003	02-Dec-2003	Met on: _____ Extend to _____ By: _____
NOTICE TO FILE MISSING PARTS						
[REDACTED]						

Title:

Matter Name:

Comments:

50150- [REDACTED]	WO 2 REPLY	02-May-2003	KLE KLE	02-Jul-2003		Met on: _____ Extend to _____ By: _____
PCT RO 106 INVITATION TO CORRE						
Extended Due Date						
[REDACTED]						

Title:

Matter Name:

Comments:

Due Date List by Client

Client: 50154 Hubbell, Jeffrey A.

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other Atty(s)	Due Date/ Date Type	Final Deadline	Action Taken
		Action Base Date/	Bill Atty				
50154	US 2 IDS	02-Apr-2003	KBB	KBB	JCM 02-Jul-2003		
		PRIOR ART CITED IN COUNTERPART		JCM	Due Date		

Title:

Matter Name:


Comments:

Met on:	_____
Extend to	_____
By:	_____

Due Date List by Client

Client: 50164 CombinatoRx

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other Atty(s)	Due Date/ Date Type	Final Deadline	Action Taken
		Action Base Date/	Bill Atty				
50164- 	US 2 11M FAX	02-Aug-2002	PTC	PTC	MJB 02-Jul-2003		
		PROVISIONAL APPLICATION		JL	Due Date		

Title: 


Matter Name:

Comments:

Met on:	_____
Extend to	_____
By:	_____

Client: 50206 The G.I. Company

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other Atty(s)	Due Date/ Date Type	Final Deadline	Action Taken
		Action	Base Date/				
50206- 	TW 1 REPLY	20-Jun-2003	PTC	PTC	ACK 02-Jul-2003	Final	
		ASSOCIATE'S LETTER (SUBSTANTIV					

Title: 

Matter Name:


Comments:

Met on:	_____
Extend to	_____
By:	_____

Due Date List by Client

#Name? #Name?

Client: 50218 Fahri Saatcioglu

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Base Date/	Atty(s)	Date Type	Deadline	
50218- 	EP 2 Request Examination	02-Jan-2003	KBB KBB MJB	02-Jul-2003		
		Request Examination		Due Date		

Title:




Matter Name:

Comments:

Met on: _____
Extend to _____
By: _____

Client: 50247

#Name? #Name?
VIRTUAL DRUG DEVELOPMENT, INC.

Matter Number	Reason for Date	Action Type	Other	Due Date/	Final	Action Taken
		Action Base Date/	Atty(s)	Date Type	Deadline	
50247- 	CN 1 ISSUE FEE DUE	13-May-2003	JDD	02-Jul-2003	Final	Met on: _____ Extend to _____ By: _____
		ASSOCIATE'S LETTER (SUBSTANTIV	JCM	Final		

Title:

Matter Name:

Comments:




Client: 50274 H3 Pharma Inc.

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other	Due Date/	Final	Deadline	Action Taken
		Action	Base Date/		Atty(s)			
50274	EP 2 REPLY IM EXT	12-Feb-2003	KBB	KBB	JNT	02-Jul-2003		
		EXAMINATION REPORT			JNT	Final		

Met on: _____
Extend to _____
By: _____

Title:

Matter Name:

Comments:

Due Date List by Client

Client: 50285 Genome Therapeutics

#Name? #Name?

Matter Number	Reason for Date	Action Type	Action Base Date/ Bill Atty	Super Atty	Other Atty(s)	Due Date/ Date Type	Final Deadline	Action Taken
50285- [REDACTED]	WO 3 Response Due	02-Jul-2003	PTC	PTC	ACK	02-Jul-2003		
Title: [REDACTED]								
Matter Name:								
Comments:								
50285- [REDACTED]	WO 3 PCT/RO/105 Notification	02-Jul-2003	PTC	PTC	ACK	02-Jul-2003		
Title: [REDACTED]								
Matter Name:								
Comments:								
50285- [REDACTED]	WO 3 PCT/RO/102 Notification	02-Jul-2003	PTC	PTC	ACK	02-Jul-2003		
Title: [REDACTED]								
Matter Name:								
Comments:								

Met on: _____

Extend to _____

By: _____

Met on: _____

Extend to _____

By: _____

Client: 50290

Zimmerman & Partners

#Name?

#Name?

Matter Number	Reason for Date	Action Type		Other	Due Date/	Final	Action Taken
		Action	Base Date/				
50290	US 1 Fwd. Certificate of Correction	02-Dec-2002	KLE	KLE	02-Jul-2003		
		ASSOCIATE'S LETTER (SUBSTANTIV	KLE	KLE	Reminder		

Title:

Matter Name:

Comments:

Met on: _____

Extend to _____

By: _____

Client: 50291 Neurochem, Inc.

#Name? #Name?

Matter Number	Reason for Date	Action Type		Other Atty(s)	Due Date/ Date Type	Final Deadline	Action Taken
		Action Base Date/	Bill Atty				
50291	US 1 REPLY 3M EXT	02-Jan-2003	KLE	SMM	KH 02-Jul-2003		
		OFFICE ACTION		KH	Final		

Title:

Matter Name:

Comments:

Met on:	_____
Extend to	_____
By:	_____

